

## **BUILDING AN IDEAL SYSTEM OF SETTING VILLAGE COMMUNITY EMPOWERMENT INSTITUTION IN AN EFFORT TO DEVELOP DISADVANTAGED FAMILY (A CASE STUDY IN CENTRAL JAVA)**

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### **ABSTRACT**

*The realization of just and prosperous society as set forth in the preamble of the 1945 Constitution of the State of the Republic of Indonesia is the duty of the state; in this case, central, regional, and village governments. Village government is the lowest and closest to the community. Therefore, intensive institutional management evaluation is required in an effort of community empowerment. The research used the system theory (Sadu wasistiono, LM, Friedmen) with the aim of getting an ideal system building for setting of effective community empowerment institution. The method used was socio-legal research. The results of the research found unsynchronized various regulations in the regulations of the government, the the minister of home affairs, and the minister of villages in the effort of village community empowerment institution vs. village community empowerment cadres (LPMD/ LPMK vs. KPMD). It is necessary to have a unity of similar arrangement, which is to optimize the empowerment of village community as the front line in alleviating the problem of the disadvantaged families.*

*Keywords: Ideal system, LPMD/ LPMK arrangement, disadvantaged.*

### **A. Introduction**

Indonesia is a Unitary Republic based on Pancasila and the 1945 Constitution. As a unitary state, the ultimate responsibility of governance in realizing the goals of the state is in the central government headed by a president as the head of government.

Village government is part of central government which is directly related to the public. Therefore, it is necessary to have an arrangement of good and effective village government. The effectiveness of governance in village is influenced by various factors in the system of village government. One of the influencing factors is the rule of law within the organization of village government.

Since the repeal of Act No. 5 of 1979 on Village, the village government administration is set to be one with the Act No. 22 of 1999 on Regional Government. However, after the reform marked with four-time amendment of the 1945 Constitution, the regulation on regional government in Act No. 22 of 1999 was repealed and replaced by Act No. 32 of 2004 on Regional Government, and then it was replaced again by Act No. 23 of 2014 on Regional Government. For the implementing regulation of Act No. 32 of 2004 on Regional Government, the Government Regulation (PP) No.72 of 2005 on Village and the Government Regulation (PP) No. 73 of 2005 on Kelurahan (Urban Community) were published. For further regulation of the Government Regulations, the Regulation of the Ministry of Home Affairs (Permendari) No. 5 of 2007 on the Structuring Guideline for Community Institutions. Because it is deemed necessary to have an arrangement specifically on village, Act No.6 of 2014 on Village was issued. The implementing regulation to the law was issued simultaneously, namely the Government Regulation (PP) No.43 of 2014 on the Implementing Regulation of Act No.6 of 2014 on Village.

Until today, the writers are still conducting a study on the institutional arrangements for village community based on the Government Regulation (PP) No.72 of 2005 on Village, the Government Regulation (PP) No. 73 of 2005 on Urban Community (Kelurahan), the Government Regulation (PP) No.43 of 2014 on the Implementing Regulations of Act No.6 of 2014 on Village and the Regulation of the Minister of Home Affairs No.5 of 2007 on the Arrangement Guidelines for Community Institutions. The observations of the writers in the study were due to: the reasons why community empowerment institutions could not optimize their duties and functions as the community development institutions to empower the people from the problem of poverty. The research in the first year (2016) found the weaknesses in the regulations and then created a model of an ideal system settings for LPMD/ K in an effort to empower disadvantaged people to be prosperous. The model was then poured in the draft of the points of thoughts and the substance of the amendments to Government Regulations (PP), Permendagri (Regulation of Minister of Home Affairs), and Regional Regulations. Furthermore, the draft was socialized by the researchers in the second year (2017) to the stakeholders and the public to be finalized. The end of the draft finalization was tested by the researchers in public life and resulted in the proposal to the government on a setting of ideal system policy (regulation) of LPMD/ K in the development efforts to disadvantaged families in order to be prosperous society.

### **B. Problem Formulation**

In order for village government and institutions to run optimally, the researchers in conducting research in this second year to conduct research focused on the following problem:

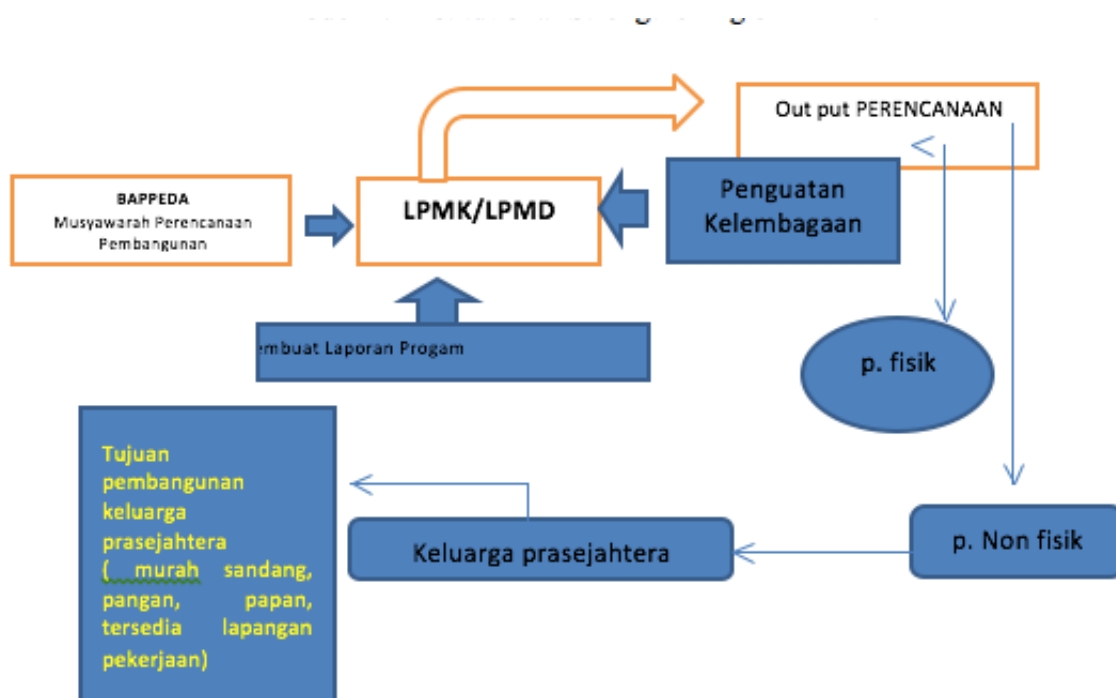
**How is the ideal system policy of the Community Empowerment Institution in Rural / Urban Communities in Efforts to Empower to Lower the Community Level Especially the Development of Disadvantaged Families in Rural / Urban Communities**

### C. Discussion

#### An ideal system policy of Community Empowerment Institution in Village/ Urban Community in an Empowerment Efforts to Lower Level Community Particularly the Development of Disadvantaged Family in Village/ Urban Community.

Village and Urban Community governments are the lowest and very strategic governments in the embodiment of the goals of the State. Therefore, village and urban community government's policies should be institutionally strengthened, particularly the institutions that come into contact with the alleviation of poor households. One of the institutions related to community empowerment to create independent community is the Institute of Rural Community Empowerment (LPMD) and the Institute of Urban Village Community Empowerment (LPMK). To be able to do so, in the regulatory, the community empowerment institutions must be strong and clear in their duties and responsibilities. In addition, institutionally, the institutional stakeholders should always perform stabilization for fellow administrators to be steady in organization and communication. One of the institutional consolidations of of LPMD/ K can be performed as described in the model diagram 1.

Model 1. Institutional Strengthening of LPMD/K



The Institute of Rural Community Empowerment is one of the community institutions as referred to in Act No. 6 of 2014 (article 94) in conjunction with the Government Regulation No. 43 of 2014 (article 150 paragraph 2.3). The institution has the duties and function as follows:<sup>1</sup>

- (1) Rural community institutions as referred to in paragraph (1) have the duties:
  - a. to empower village community;
  - b. to participate in the planning and implementation of development; and
  - c. to improve rural community services.
- (2) In carrying out the duties as referred to in paragraph (2), the village community institution has the functions of:
  - a. Accommodating people's aspirations;
  - b. Inculcating and fostering people's sense of unity;
  - c. Improving the quality and accelerating Village Government services;
  - d. Planning, implementing, managing, preserving, and developing a participatory development results;
  - e. Growing, developing, and driving people's initiative, participation, self-help and mutual help;
  - f. Improving people's welfare; and
  - g. Improving the quality of human resources.

<sup>1</sup>, Act No.6 of 2014, (the State Gazette of the Republic of Indonesia of 2014 number.7, the Addendum to the State Gazette of the Republic of Indonesia Number5492 article 150 (2,3).

Concerning the duties and functions, LPMD's roles are actually very strategic. In specific, recently, there is an obligation that all programs of the government, regional governments, and non-governmental organizations in implementing their programs in villages shall empower and leverage existing community institutions in the villages (article 151). However, LPMD/ K recently has the weaknesses in an effort to optimize its performance. The weaknesses are as follows:<sup>2</sup>

This research found some incompatibilities in the regulations of LPMK/D to help realize prosperous family. The findings are categorized into 11 categories;

1. The support of Heads of Village/ Urban Community to LPMK/D
2. Improper understanding of the officials on their main tasks and functions of LPMK/D
3. The government elucidation on the main tasks and functions of LPMK/D
4. The frequency of internal coordination of LPMK/D
5. The frequency of LPMK/D coordination with other non-governmental organizations.
6. The budget of LPMK/D
7. The LPMK/D involvement in arranging and carrying out the development in villages.
8. The involvement of LPMK/D in *Musrenbang* (the Planning and Development Meeting) and the realization of *Musrenbang* in villages.
9. The involvement of community in the application of development.
10. The information access of development received by community.
11. Limited revision on the regulation number 73 of 2005 on Urban Community.

In order to optimize the functions of LPMD/ K in the alleviation of poor families, the eleven problems are the crucial points to be minimized in order to maximize the functions LPMD/ K.

In the model diagram 1 above, it shows one of the solutions in order to increase the capacity and capability as well as the personification expertise of LPMD/ K in performing its basic tasks and institutional functions. The Technical Guidance in reporting program accountability is an effort to improve the ability of LPMD/ K members in making reports which has been a scourge in all reports. The guidance should be directed properly in order that LPMD/ K in creating reports is based on performance in achieving development goals, and not a report based merely on formality. The technical guidance of institutional strengthening is a reminder on the institutional duties and functions of the LPMD/ K in order to understand better the essence of an institution as a means to reach the goals so that the roles, responsibilities and functions of the institution should move to predetermined direction.

Bappeda is the regional planning agency which conduct the planning of development based on the village/ urban community development deliberation (*musrenbang*). The development of disadvantaged or poor families should start from the lower level (RT, RW). The proposal of development program for disadvantaged families should be a special concern with a high consistency because the program is an effort to empower the disadvantaged which is generally unattractive and get little care.  
(see model 2)

#### Model 2: Disadvantaged Family

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<sup>2</sup> ,Karyono Hadi, *ASSESSING COMMUNITY DEVELOPMENT AGENCY OF VILLAGE FOR PREPROSPEROUS COMMUNITY WELFARE IMPROVEMENT*, International Journal of Business, Economics and Law, Vol. 11, Issue 4 (Dec.),2016, ISSN 2289-1552, page. 96-98



Disadvantaged family is a family that has limitations in terms of clothing, food, housing, and employment. To make the disadvantaged family independent, the role of LPMD/ K in empowering disadvantaged families is very important. The essence of disadvantaged family empowerment is along with the essence of community empowerment. Community empowerment is an effort to develop community independence and welfare by improving the knowledge, attitudes, skills, behavior, ability, and awareness as well as utilizing resources through the establishment of policies in accordance with the essence of the problem and the priority of villagers' needs.<sup>3</sup>

The proposal of community empowerment program should be started at the levels of RT, RW, Village/ Urban Community, Sub-District, Regency/ City. The proposal should be closely guarded otherwise it may run aground, particularly the the proposal of empowerment program of LPMK. Unguarded program proposal is usually not a priority, and another reason is limited funding. The one debilitating LPMK's existence more is that the role of community empowerment that should involve LPMK in the Government Regulation No.73 of 2005 on Village in Article 21 (1) confirms that all programs of the higher level of governments related to empowerment "may" involve community institutions. The word "may" in this article provides multiple interpretations, so it is not a mandatory to involve community institutions that exist in urban community. Urban community is different from village. Village has autonomy and its own funding which is PADes (Village Budget), while Urban Community does not have autonomy. Then, all programs of urban community related to community empowerment must be at city level using City budget to be the activities of relevant related SKPD (Regional Work Unit), so LPMK is rarely involved fully in community empowerment or never get involved. To be more equitable due to the absence of APBKel (Urban Community Budget), there should be proportional and exact allocation of funding for each urban community, for example IDR 250,000,000/ family. When funding allocation is available, I think urban community governments can be more focused on the development acceleration for disadvantaged families in each urban community.

To accelerate the development of disadvantaged families at village level, Act 6 of 2014 on Village (article.94 (4)) in conjunction with the Government Regulation No.43 of 2017 explicitly makes it clear that all programs of the government, Regional Government, Provincial/ Regency/ Municipal government, and non-government institutions **shall** empower and leverage existing community institution in villages. From the words, the proposed empowerment certainly has no reason or impediment not to involve LPMD. However, the empowerment through LPMD is in fact still experiencing problems due to the willingness of the higher governments who did not want to or, for some reasons, the villages did not prepare their human resources. Therefore, the struggle in an effort to alleviate disadvantaged families in villages and urban communities is still stagnant. It can be seen from the number of poor people which is still in the range of 27.76 million nationwide.

To alleviate the problem of low income families, the researchers made an alternative model by creating an ideal system of LPMD/ K setting as a body at lower level in an effort to accelerate the development of disadvantaged families in Central Java Province as follows:

- 1) **The Fundamentals of Ideas of the Draft of the Amendment to the Regulation of the Minister of Home Affairs No. 5 of 2005 on Arrangement Guidelines for Community Institutions and the Draft of the Amendment of the Regional Regulation in all Regencies/ Cities.**

With the issuance of the Law of the Republic of Indonesia Number. 6 of 2014 on Village, all implementation rules of village including the Government Regulation No. 72 of 2005 on village does not apply (Article 121 of Act No. 6 of 2014 in conjunction with Article 158 of the Government Regulation No.43 of 2014). Instead, the Government issued the Government Regulation No. 43 of 2014 on the Implementing Regulations of Act No. 6 of 2016 on Village. When

<sup>3</sup> .Act No.6 of 2014 on Village, *Op Cit*, article 1(12)

enacting the Government Regulation No.43 of 2014, a variety of issues related to the regulation of village should have been completed in arranging various problems related to the institutional and government system in villages. However, the fact in the field showed ambiguity in institutional settings, particularly rural community institutions.

The settings of Community Institutions in **the Government Regulation No.43 of 2014** are set out in Chapter X section one on Community and Indigenous Institutions. Community Institution is governed by Articles 150, 151 and 153 as follows:

CHAPTER X  
VILLAGE COMMUNITY AND CUSTOMARY INSTITUTIONS

Section One

Community Institutions

Article 150

- (1) Village community institution is established on the initiative of village government and community.
- (2) Village community institution referred to in paragraph (1) has the duties:
  - a. to perform rural community empowerment;
  - b. to participate in the planning and implementation of development; and
  - c. to improve rural public services.
- (3) In carrying out the duties as referred to in paragraph (2), village community institution has the functions:
  - a. to accommodate public aspirations;
  - b. to inculcate and foster a sense of unity of the community;
  - c. to improve the quality and to accelerate Village Government Services;
  - d. to plan, implement, manage, preserve, and develop a participatory development results;
  - e. to grow, develop, and drive the initiative, participation, self-help and mutual help;
  - f. to improve community welfare; and
  - g. to improve the quality of human resources.
- (4) The establishment of village community institutions is regulated by the village.

Article 151

The Government, Regional Government, and non-governmental organizations in implementing their programs in villages **shall** empower and leverage existing community institutions in the villages.

Section Two

Rural Customary Institution

Article 152

- (1) The establishment of rural customary institution is stipulated by village regulation.;
- (2) The establishment of rural customary institution can be developed in the customary village to hold the interest of other customary groups

Article 153

Rural Community and Customary Institutions are established by Village Government based on the **guidance** determined by **Minister Regulations**.

When we observe the provision above, the provision on the establishment of community institution under article 153 is based on the guidelines stipulated by ministerial regulation. Until the paper was made (30 October 2016), the latest ministerial regulation concerning the establishment of community institution has not existed yet, so that it still uses old ministerial regulation. It is possible because based on the Government Regulation No.43 of 2014, Chapter XIII, the Closing Provisions of Article 157-158, it also affirms as follows:

Article 157

When the Government Regulation starts to apply, all existing implementing regulations governing villages **remain applicable as long as they conform to the Government Regulation**.

Article 158

When the Government Regulation starts to apply, the Government Regulation No. 72 of 2005 on Village (the State Gazette of the Republic of Indonesia of 2005, Number 158, the Addendum of the State Gazette of the Republic of Indonesia Number 4587) is revoked and stated not to be applicable.

Since the latest ministerial regulation does not exist, the provision of the establishment of community institution still uses the Regulation of the Minister of Home Affairs No. 5 of 2007 on Guidelines for the Arrangement of Community Institution. In article 2 of the regulation, it affirms as follows:

Article 2

- (1) Community Institution can be established in village and urban community;

- (2) Community Institution as referred to in paragraph (1) can be established under the initiative of the community and/ or the community's initiative facilitated by the Government through deliberation;
- (3) The establishment of Community Institution as referred to in paragraph (1) is stipulated in Village Regulation under the guideline of City/ Regency Regulations;
- (4) The establishment of Urban Community Institution as referred to in paragraph (1) is stipulated in City/ Regency Regulation.

When considering the provision, the establishment of Community Institutions in Village/ Urban Community in positive law (still) uses the Regulation of the Minister of Home Affairs No.5 of 2007 on Guidelines for the Arrangement of Community Institutions, which is then regulated by the guidance of the establishment of community institutions in each Regency/ City.

For the continuity and optimization of community institutions, particularly LPMD/ K, the existing regulation of the Minister of Home Affairs No. 5 of 2007 needs to be adjusted to the current nuances of regulations, that is, Act No. 6 of 2014 on Village. In specific, article 151 on the obligations of government, regional government, and non-government institutions in implementing their programs in villages shall empower and utilize existing community institutions in the villages. Therefore, in order to synchronize the establishment of Community Institutions in Village/ Urban Community, the Regulation of the Minister of Home Affairs No.5 of 2007, it is necessary to amend and supplement article 29 so that there is an additional article of 29A which requires all institutions including government, non-government, or all higher institutions in empowerment program to involve community institutions

Under the amendment of the Regulation of the Minister of Home Affairs No.5 of 2007, the establishment of community institutions in each regency/ city must absorb the substance of the amendment of the Regulation of the Minister of Home Affairs mentioned above. Meanwhile, the regency/ city regulations in general do not require to accommodate the empowerment of community institution including the existing LPMD/ K.

## **2) The Principles of Ideas on the Material of the Amendment to the Government Regulation No. 73/2005 on Urban Community**

Similarly, the Government Regulation No.73 of 2005 on Urban Community to be in sync with Act No.23 of 2014 on Regional Government in conjunction with Act No.6 of 2014 on Village as well as the Regional Regulation No.43 of 2014 on Guidance of the Implementation of Act No.6 of 2014 on Village. Then, the Government Regulation No.73 of 2005 on Urban Community needs to be changed in Article 21 paragraph (1) in which the word "may" is changed and replaced with the word "shall", while paragraph (2) behind the word as the paragraph (1) plus the word "shall".

## **3) The Material on the Content of the Amendment of the Regulation of the Minister of Home Affairs No.5 of 2007, the Government Regulation No 73 of 2005, and the Regional Regulations of all regencies/ cities**

- a) Basis of Reference
  - i. Act No. 23 on Regional Government.
  - ii. Act No. 6 of 2014 on Village.
- b) Things to Change and to Synchronize
  - i. Amendment of Regulation
    - the Regulation of the Minister of Home Affairs No.5 of 2007 on Guidance of Community Institution Arrangement.
    - Regency/ City Regulations on Guidance of Community Institution Establishment in Village/ Urban Community.
    - The Government Regulation No. 73 of 2005 on Urban Community.
  - ii. Things to Synchronize
    - The Regulation of the Minister of Home Affairs No.5 of 2007 Guidance of Community Institution Arrangement. The Regulation needs to be adjusted with the amended Government Regulation No.73 of 2005 in conjunction with the Government Regulation No.43 of 2014. The amendment to the Regulation of the Minister of Home Affairs needs to be synchronized with other regulations so that article 29 is added into article 29A as follows:

### Article 29A

- (1) the implementation of the programs and activities derived from the government, provincial government, regency/ city government, shall coordinate and empower existing community institutions;
  - (2) the implementation of the activities in the field of community empowerment in paragraph (1) shall be conducted through the management system of village/ urban community
- The Regency/ City Regulations on the Establishment of Community Institutions need to be amended and adjusted to the higher regulations, i.e.: Act No. 23 of 2014 on Regional Government in conjunction with Act No. 6 of 2014 on Village in conjunction with the Regional Regulation No.73 of 2005 amended and adjusted in conjunction with the Regulation of the Minister of Home Affairs No.5 of 2007 which had been amended and adjusted.

- The Government Regulation No.73 of 2005. It is necessary to regulate the synchronization of Community Institutions regulated in Act No.23 of 2014 on Regional Government in conjunction with Act No.6 of 2014 on Village (article 94 paragraph (4)) with the Government Regulation No.73 of 2005, article 21 paragraph (1) and (2). The words "may" in the article is adjusted to be changed into "shall", while paragraph (2) behind the word of paragraph (1) adds the word "shall" as follows:

Article 21

- (1) Ministry, Non-Ministerial Institution, Agency, Institution, Regional Technical Institution, and Office having the activities in the field of community empowerment in urban community **may** use community institution.
- (2) The Implementation of community empowerment activities as referred to in paragraph (1) is held through the development management system of urban community.

The stipulation on the word "may" in article 21 paragraph (1) is changed and replaced by the word "shall", while in paragraph (2) behind the word of paragraph (1) the word "shall" is added so that article 21 paragraphs (1) and (2) says:

Article 21

- (1) Ministry, Non-Ministerial Institution, Agency, Institution, Regional Technical Institution, and Office having the activities in the field of community empowerment in urban community **shall** use community institution.
- (2) The Implementation of community empowerment activities as referred to in paragraph (1) **shall be** held through the development management system of urban community.

By implementing the regulation synchronization, the ideal system of LPMD/ K arrangement in the effort to accelerate the development of disadvantaged families in Central Java Province and Indonesia in general can be minimized. The synchronization is of course by making changes to various regulations: The Regulation of the Minister of Home Affairs No.5 of 2007 on Guidelines for Community Institution Arrangement, the draft of the amendment to the regional regulations of all regencies/ cities, and the draft of the amendment to the Government Regulation No.73 of 2005 on Urban Community. We hope it will be the input for the stakeholders both executive and legislative.

#### D. Conclusion and Recommendation

##### 1. Conclusion

The census results of the Central Bureau of Statistics (BPS) in 2016 explained that the people of Central Java are still ranked second in the number of poor people. The high rate of poverty indicates that community empowerment efforts are still not optimal. To overcome a large number of disadvantaged families and based on the findings of research results in the first year (2016), then in the second year of research (2017) researchers concluded about the ideal system of regulation of empowerment institutions village community as follows:

- a. Institutionally, the Institution of Village Community Empowerment should be carried out by institutional strengthening using the technical guidance on how to understand the task, principal, and function of LPMD/ K. In addition, LPMD/ K also has to be strengthened on how to make program accountability report as well as the strengthening on how to make program proposal (development and planning deliberation)
- b. At the central regulation level, the Government Regulation No. 73 of 2005 on Urban Community in Article 21 paragraph (1) **needs a limited revision**. In relation to the activities in the field of community empowerment, urban community **may** use existing community institutions. The word "**may**" should be changed into "**shall**". It will be in line with the Village Law No. 6 of 2014 in Article 94 paragraph (4). The implementation of community empowerment programs and activities shall empower the existing community empowerment institutions, in conjunction with the Government Regulation No. 43 of 2014 on the Implementation of Act Number 6 of 2014 on Village in Article 151. Then, in the Regulation of the Minister of Home Affairs No. 5 of 2007 on Guidelines for Community Institution Arrangement, Article 29, according to the researchers, should be added by Article 29A with the normality by requiring all higher government programs related to community empowerment to involve existing community institutions.

##### 2. Recommendation.

The recommendations proposed by the writers from the findings of the study are:

- a. The government should be required to review the initial objectives and functions of LPMD/ LPMK in order to determine the appropriate regulation to optimize its roles.
- b. The importance of increasing the budget allocation for the improvement of institutional personnel along with the lower level community empowerment program (disadvantaged).
- c. The need for a limited revision of the Government Regulation No. 73 of 2005 on Urban Community and the Regulation of the Minister of Home Affairs No 5 of 2007 on Guidelines for Community Institution Arrangement to adapt the present development and as a basis for the amendment of regional regulations in regencies/ municipalities that regulate community institutions.

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The Government Regulation of the Republic of Indonesia Number 72 of 2005 on Urban Community (the State Gazette of the Republic of Indonesia of 2005 Number 158; the Addendum of the State Gazette of the Republic of Indonesia Number 4587);

The Government Regulation of the Republic of Indonesia Number 73 of 2005 on Urban Community;(the State Gazette of the Republic of Indonesia of 2005 Number 159; the Addendum of the State Gazette of the Republic of Indonesia Number 4588);

The Government Regulation of the Republic of Indonesia Number 43 of 2014 on the Implementing Regulation of Act Number 6 of 2014 on Village (the State Gazette of the Republic of Indonesia of 2014 Number :123; the Addendum of the State Gazette of the Republic of Indonesia Number 5694);

The Government Regulation of the Republic of Indonesia Number 47 of 2015 on the Amendment of the Government Regulation of the Republic of Indonesia Number 43 of 2014 on the Implementing Regulation of Act Number 6 of 2014 on Village (the State Gazette of the Republic of Indonesia of 2014 Nomor:123; the Addendum of the State Gazette of the Republic of Indonesia Number 5694);

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